

CIVIL COVER SHEET

County in which action arose Genesee

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Bill Baughman

(b) County of Residence of First Listed Plaintiff Genesee

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Dean T. Yeotis, Law Offices of Dean T. Yeotis, 611 W. Court St., Flint, MI 48503
810.767.6100**DEFENDANTS**

Flushing Township, Mike Gardner, Scott Minaudo, William Noecker, Mark Purkey

County of Residence of First Listed Defendant Genesee

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

Michael W. Edmunds, Garan Lucow Miller, PC, 8332 Office Park Dr., Grand
Blanc, MI 48439 810.695.3700**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983Brief description of cause:
retaliation by employer for political activities**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ unspecified

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

March 24, 2010

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BILL BAUGHMAN,

Plaintiff,

CASE NO:

JUDGE

v.

FLUSHING TOWNSHIP, MIKE
GARDNER, SCOTT MINAUDO,
WILLIAM NOECKER and MARK
PURKEY, Jointly and Severally,

Defendants.

DEAN T. YEOTIS P41290
CHRISTINE WASSERMAN RATHE P53656
NANCY K. CHINONIS P73150
Law Offices of Dean T. Yeotis
Attorneys for Plaintiff
611 W. Court Street
Flint, Michigan 48503
(810) 767-6100

MICHAEL W. EDMUNDS P55748
Garan Lucow Miller, P.C.
Attorney for Defendants
8332 Office Park Drive
Grand Blanc, Michigan 48439
(810) 695-3700

NOTICE OF REMOVAL

Defendants hereby give notice that they are removing case number 10-93057-CD from the Genesee County Circuit Court to the United States District Court for the Eastern District of Michigan, Southern Division, pursuant to 28 USC 1441, and state as follows:


1. Any civil action brought in a state court over which the District Courts for the United States have original jurisdiction founded on a claim arising under the

Constitution, treaties or laws of the United States may be removed by the Defendant to the District Court of the United States for the District and Division embracing the place where such action is pending, without regard to the citizenship or residence of the parties. 28 USC 1441(a), (b).

2. Plaintiff has sued pursuant to 42 USC §1983, alleging a violation of his First Amendment Free Speech Rights.
3. Thus, Plaintiff has asserted a claim which arises under the United States Constitution and under the law of the United States.
4. Therefore, Defendants are entitled to removal of the case from state court to the United States District Court.
5. Venue is appropriate in the Eastern District of Michigan, Southern Division, pursuant to 28 USC 1391.
6. All Defendants concur in this request.

GARAN LUCOW MILLER, P.C.

Dated: March 24, 2010


MICHAEL W. EDMUNDS P55748
Attorney for Defendants
8332 Office Park Drive
Grand Blanc, Michigan 48439
(810) 695-3700

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

BILL BAUGHMAN,

Plaintiff,

CASE NO: 10-93057-CD

JUDGE GEOFFREY NEITHERCUT P25466

v.

FLUSHING TOWNSHIP, MIKE
GARDNER, SCOTT MINAUDO,
WILLIAM NOECKER and MARK
PURKEY, Jointly and Severally,

Defendants.

DEAN T. YEOTIS P41290
CHRISTINE WASSERMAN RATHE P53656
NANCY K. CHINONIS P73150
Law Offices of Dean T. Yeotis
Attorneys for Plaintiff
611 W. Court Street
Flint, Michigan 48503
(810) 767-6100

MICHAEL W. EDMUNDS P55748
Garan Lucow Miller, P.C.
Attorney for Defendant
8332 Office Park Drive
Grand Blanc, Michigan 48439
(810) 695-3700

**DEFENDANTS' AMENDED ANSWER, RELIANCE UPON JURY DEMAND,
AND NEW MATTER AND AFFIRMATIVE DEFENSES**

NOW COME Defendants, by and through their attorneys, GARAN LUCOW MILLER,
P.C., by MICHAEL W. EDMUNDS, and in answer to Plaintiff's Complaint, state as follows:

PARTIES AND JURISDICTION

1. Plaintiff is a resident of the County of Genesee, State of Michigan.

ANSWER:

No contest.

2. Defendant, Flushing Township, is a municipal corporation located in the County of Genesee, State of Michigan.

ANSWER:

Admitted.

3. Defendants Mike Gardener, Scott Minardo (sic), William Noecker and Mark Purkey are all members of the Flushing Township Board of Trustees and are residents of the County of Genesee in the State of Michigan.

ANSWER:

Admitted.

4. The claims which Plaintiff asserts in this case are:

-
- a. violation of the Michigan Whistleblowers' Protection Act against all Defendants; and
 - b. a 42 USC §1983 First Amendment claim against all Defendants.

ANSWER:

Defendants concede that Plaintiff is asserting the referenced claims, but deny liability to the Plaintiff.

5. The amount in controversy in this case exceeds twenty-five thousand dollars (\$25,000.00).

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

6. This Court has subject matter jurisdiction over this case based on the general subject matter jurisdiction provision of the Revised Judicature Act, MCL 600.605.

ANSWER:

Admitted.

7. This is a Court of proper venue for this action under MCR 600.1621 because this is the Court in the county in which Plaintiff resides.

ANSWER:

Admitted.

GENERAL ALLEGATIONS

8. Plaintiff Bill Baughman was a Flushing Township Police Officer who began his employment with Defendant Flushing Township in April 1996.

ANSWER:

Admitted.

9. Plaintiff's employment with Defendant Flushing Township was terminated on or about November 13, 2009.

ANSWER:

Denied. Plaintiff was laid off on July 31, 2009. The layoff was confirmed by resolution on November 13, 2009.

10. During the entire tenure of his employment at Flushing Township, Plaintiff was an excellent employee.

ANSWER:

Denied for the reason that it is untrue.

11. In 2008, the Plaintiff participated in the recall election campaigns of the individual Defendant board members in this case.

ANSWER:

Denied. Defendants were not elected until November 2008. The recall campaign was not initiated until approximately half-way through 2009. Defendants admit that upon information and belief, Plaintiff participated in the recall campaigns, but believe that he did so in 2009, not 2008.

-
12. Plaintiff's participation in the recall efforts identified in paragraph twelve included Plaintiff gathering petition signatures, distributing materials door-to-door, distributing yard signs and raising funds.

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

13. Previous to 2008, Plaintiff worked on the political campaigns of opponents of the individual Defendant board members in this case.

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

14. In the latter stages of his employment, the Plaintiff publicly criticized the individual Defendant board members for the way they conducted themselves.

ANSWER:

Defendants admit that Plaintiff was critical of Defendants during several Board Meetings. Defendants do not recall when those Board Meetings took place. Defendants deny the allegation that Plaintiff was publicly critical of the way Defendants "conducted themselves" for the reason that to the best of the Defendants' recall, Plaintiff was only critical of Defendants' decisions, not their conduct.

15. During his employment at Flushing Township Plaintiff observed certain employment related practices and some non-employment related practices that Defendants engaged in that Plaintiff reasonably and in good faith believe were violations of Michigan state law and/or regulations.
-

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations. Answering affirmatively, Defendants deny engaging in any practices that violated Michigan law or regulations.

16. During the latter stages of his employment, Plaintiff reported suspected violations of Michigan state law and/or regulations to a public body.

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations. Answering affirmatively, Plaintiff never notified Defendants that he had reported a suspected violation of law to a public body.

17. On July 15, 2009 Officer Bill Baughman received notice that he was to be "laid off" effective July 31, 2009.

ANSWER:

Defendants neither admit nor deny the allegation about when Plaintiff received notice of his layoff, for lack of knowledge or information sufficient to form a belief as to the truth of the allegations, but admit that it was to be effective July 31, 2009.

18. On November 5, 2009 Flushing Township Supervisor Don Schwieman reinstated Officer Bill Baughman to his previous full-time employment.

ANSWER:

Denied. Defendants admit that Mr. Schwieman purported to reinstate Plaintiff to his previous employment, but deny that Schwieman's actions had the effect of actually reinstating Plaintiff's employment for the reason that Schwieman lacked the legal authority to reverse a motion that had previously been decided by the Board.

19. On November 13, 2009 the Flushing Township Board of Trustees voted 4-3 not to honor the decision of Township Supervisor Don Schwieman to reinstate Bill Baughman to full employment which resulted in his termination which has continued

until the present time.

ANSWER:

Denied. Defendant Flushing Township laid off one full-time police officer in June 2009. The union determined, pursuant to the collective bargaining agreement, that Plaintiff should be laid off. The decision to layoff one full-time police officer, and to do so in accordance with the collective bargaining agreement, was reaffirmed by motion on November 12, 2009. Plaintiff's employment with Flushing Township has never been terminated.

20. Plaintiff was terminated from Defendant Flushing Township on or about November 13, 2009 because he reported suspected violations of Michigan state law and/or regulations to a public body.

ANSWER:

Denied. Plaintiff was laid off, not terminated, and it was for financial reasons, and based on the fact that Plaintiff had the least seniority. The motion to which the Plaintiff is referring occurred on November 12, 2009, not November 13. Moreover, the motion that caused Plaintiff to be laid off occurred in June 2009, not in November.

21. In 2008 Plaintiff participated in a recall campaign against Defendants Gardner, Minardo (sic), Noecker and Purkey. Through this process Plaintiff expressed his disagreement with certain aspects of Defendants' conduct concerning matters of legitimate public concern.

ANSWER:

Defendants admit, upon information and belief, that Plaintiff participated in a recall campaign against the individual Defendants, but believe that he did so in 2009, not 2008. Defendants neither admit nor deny the balance of the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

22. As a result of Plaintiff expressing himself regarding these matters of legitimate public concern, all Defendants took adverse action against Plaintiff in the terms and conditions of his employment at Flushing Township including "laying him off" and terminating him on or about November 13, 2009.

ANSWER:

Denied for the reason that it is untrue. Answering affirmatively, Plaintiff was laid off for financial reasons, and based on the fact that Plaintiff had the least seniority. The decision was made by the Township Board, not any individual Defendant. The Township speaks through its resolutions only. There is no individual liability for voting on a resolution as a member of a Municipal Board. As previously stated, the motion which led to Plaintiff's layoff occurred in June 2009, not in November; Plaintiff has never been terminated; and the November vote occurred on the 12th, not the 13th.

23. All Defendants took adverse action against Plaintiff in the terms and conditions of his employment including laying him off and terminating him based on Plaintiff's participation in their recall campaign against Defendants Gardner, Minardo (sic), Noecker and Purkey.

ANSWER:

Denied for the reasons stated in answer to paragraph 22.

24. Based on Defendant's (sic) wrongful acts, Plaintiff has suffered past and future economic damages as well as post and future emotional distress damages. Plaintiff also seeks a statutory attorney fee award. Plaintiff also seeks punitive damages against the individual Defendants in this matter.
-

ANSWER:

Defendants neither admit nor deny the allegations about the nature and extent of Plaintiff's damages, for lack of knowledge or information sufficient to form a belief as to the truth of the allegations. Defendants deny that they caused Plaintiff's damages. Defendants deny that they are liable for any of Plaintiff's alleged damages.

COUNT I
VIOLATION OF THE MICHIGAN WHISTLEBLOWERS' PROTECTION ACT
AGAINST ALL DEFENDANTS

25. Plaintiff incorporates by reference paragraphs 1 through 24 above.

ANSWER:

Defendants restate their answers to the previous allegations.

26. During the latter stages of his employment, Plaintiff reported suspected violations of Michigan state law and/or regulations to a public body.

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations. Answering affirmatively, Plaintiff never notified Defendants that he had reported a suspected violation of law to a public body.

27. Defendant discharged Plaintiff, in substantial part, because Plaintiff reported Defendants' actions to a public body for suspected violations of the law.

ANSWER:

Denied. Plaintiff was laid off, not terminated, and it was for financial reasons, and based on the fact that Plaintiff had the least seniority. Defendants merely decided to layoff one full-time police officer. It was the union, pursuant to the collective bargaining agreement, which determined which police officer would be laid off.

28. Therefore, all Defendants violated the Michigan Whistleblower Protection Act.

ANSWER:

Denied. Answering affirmatively, Defendants did not violate the Michigan Whistleblower Protection Act because Defendants were not terminated for reporting a suspected violation of law to a public body. Moreover, the individual Defendants are not legally responsible for any Board decisions in which they participated as a Board Member, and therefore, did not violate Michigan Whistleblower Protection Act even if Plaintiff's other allegations are true.

COUNT II
42 USC §1983 FIRST AMENDMENT CLAIM AGAINST ALL DEFENDANTS

29. Plaintiff incorporates by reference paragraphs 1 through 28 above.

ANSWER:

Defendants restate their answers to the previous allegations.

30. Defendant Flushing Township was Plaintiff's employer from April of 1996 until November 13, 2009.

ANSWER:

Denied in part. Defendants admit that Flushing Township was Plaintiff's employer in April 1996. Defendants deny that the Township was no longer Plaintiff's employer as of November 13, 2009, because Plaintiff is still employed by the Township. He is simply laid off. If he considers his employment to have ended when he was laid off, then his employment terminated at the end of July 2009, when the layoff notice became effective pursuant to the collective bargaining agreement.

31. Plaintiff participated in a recall campaign against Defendants Gardner, Minardo (sic), Noecker and Purkey in 2008 expressing his disagreement with certain aspects of Defendants' conduct concerning matters of legitimate public concern.

ANSWER:

Defendants admit, upon information and belief, that Plaintiff participated in a recall campaign against the individual Defendants, but believe that he did so in 2009, not 2008. Defendants neither admit nor deny the balance of the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

32. In the latter stages of his employment, the Plaintiff publicly criticized the individual Defendants for their conduct.

ANSWER:

Defendants admit that Plaintiff was critical of Defendants during several Board Meetings. Defendants do not recall when those Board Meetings took place. Defendants deny the allegation that Plaintiff was publicly critical of the way Defendants "conducted themselves" for the reason that to the best of the Defendants' recall, Plaintiff was only critical of Defendants' decisions, not their conduct.

33. All Defendants took adverse action against Plaintiff in the terms and conditions of his employment at Flushing Township by "laying him off" and eventually terminating him on or about November 13, 2009 due to his expression of disagreement of certain matters of legitimate public concern.
-

ANSWER:

Denied for the reasons stated in answer to paragraph 22.

34. All Defendants took adverse action against Plaintiff in the terms and conditions of his employment including laying him off and terminating him based on Plaintiff's participation in their recall campaign against Defendants Gardner, Minardo (sic), Noecker and Purkey.

ANSWER:

Denied for the reasons stated in answer to paragraph 22.

35. Accordingly, Plaintiff asserts a First Amendment claim against all Defendants based on Plaintiff's retaliatory termination.

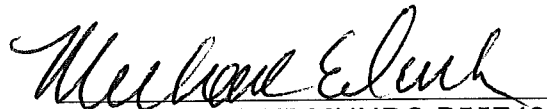
ANSWER:

Defendants deny liability to the Plaintiff.

WHEREFORE, Defendants respectfully request that this Honorable Court dismiss Plaintiff's Complaint with prejudice, and that they be awarded their costs and attorney fees.

GARAN LUCOW MILLER, P.C.

Dated: 3-17-10



MICHAEL W. EDMUNDS P55748
Attorney for Defendants
8332 Office Park Drive
Grand Blanc, Michigan 48439
(810) 695-3700

RELIANCE UPON JURY DEMAND

NOW COME Defendants by and through their attorneys, GARAN LUCOW MILLER, P.C., by MICHAEL W. EDMUNDS, and hereby relies on the jury demand previously filed.

GARAN LUCOW MILLER, P.C.

Dated: 3/17/10



MICHAEL W. EDMUNDS P55748
Attorney for Defendants
8332 Office Park Drive
Grand Blanc, Michigan 48439
810-695-3700

NEW MATTER AND AFFIRMATIVE DEFENSES

NOW COME Defendants, by and through their attorneys, GARAN LUCOW MILLER, P.C., by MICHAEL W. EDMUNDS, and for their New Matter and Affirmative Defenses, states as follows:


1. Plaintiff failed to mitigate his damages.
2. Plaintiff's claims are barred by the statute of limitations.
3. Plaintiff may not recover damages for conduct which occurred more than three years before suit was filed, even if the suit itself is not barred by the statute of limitations, because there is no longer any "continuing violations doctrine" in Michigan.
4. The individual Defendants are not liable to Plaintiff for violating the Whistleblowers' Protection Act because Defendants were not "agents" of Defendant Flushing Township.
5. The individual Defendants are not liable to Plaintiff because the Board acts only through its resolutions.

6. Defendants are not liable to Plaintiff because Defendants have governmental immunity for the claims asserted by the Plaintiff.
 7. The individual Defendants are not liable to Plaintiff because Defendants have qualified immunity for the claims asserted by the Plaintiff.
 8. The individual Defendants are not liable to Plaintiff because Defendants have legislative immunity for the claims asserted by the Plaintiff.
 9. Defendants did not violate the Whistleblowers' Protection Act because Plaintiff did not make his report to a "public body," as required by law.
 10. Defendants did not violate the Whistleblowers' Protection Act because Plaintiff did not report activity which he reasonably suspected to be a violation of Michigan law or regulations.
 11. Defendants did not violate the Whistleblowers' Protection Act because the Plaintiff's report of a suspected violation of Michigan law or regulations to a public body was not a substantial or motivating factor in the decision to lay off the Plaintiff.
 12. Defendants did not violate the Whistleblowers' Protection Act because Plaintiff would have been laid off anyway, had he not reported a suspected violation of Michigan law or regulations to a public body.
 13. Defendants did not retaliate against Plaintiff for exercising First Amendment Free Speech Rights because Plaintiff's alleged speech were not a matter of public concern.
 14. Defendants did not retaliate against Plaintiff for exercising First Amendment Free Speech Rights because Plaintiff's alleged speech was not a substantial or motivating factor in Defendant Flushing Township's decision to lay off the Plaintiff.
 15. Defendants did not retaliate against Plaintiff for exercising First Amendment Free Speech Rights because Defendant Flushing Township would have laid Plaintiff off anyway, even in the absence of Plaintiff's alleged speech.
-
16. Defendants did not retaliate against Plaintiff for exercising First Amendment Free Speech Rights because Plaintiff's Free Speech Rights must defer to Defendant Flushing Township's right as an employer to layoff police officers, when required to do so for economic reasons, according to seniority.
 17. Defendant Flushing Township terminated Plaintiff's employment for bona fide economic reasons, which it was entitled to do under the law.

18. Defendants reserve the right to amend or supplement this list of affirmative defenses.

GARAN LUCOW MILLER, P.C.

Dated: 3.17.10



MICHAEL W. EDMUNDS P55748
Attorney for Defendants
8332 Office Park Drive
Grand Blanc, Michigan 48439
810-695-3700

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses as directed on the pleadings on March 17, 2010.

Delivery by:

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> U.S. Mail | <input type="checkbox"/> Facsimile |
| <input type="checkbox"/> Hand Delivery | <input type="checkbox"/> E-mail |
| <input type="checkbox"/> UPS Overnight | <input type="checkbox"/> E-File (ECF) |


MELISSA SMEARMAN, Notary Public
Genesee County, Michigan
Acting in the County of Genesee
My commission expires: 1/30/2013

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

BILL BAUGHMAN,

Plaintiff,

CASE NO: 10-93057-CD

JUDGE GEOFFREY NEITHERCUT P25466

v.

FLUSHING TOWNSHIP, MIKE
GARDNER, SCOTT MINAUDO,
WILLIAM NOECKER and MARK
PURKEY, Jointly and Severally,

Defendants.

DEAN T. YEOTIS P41290
CHRISTINE WASSERMAN RATHE P53656
NANCY K. CHINONIS P73150
Law Offices of Dean T. Yeotis
Attorneys for Plaintiff
611 W. Court Street
Flint, Michigan 48503
(810) 767-6100

MICHAEL W. EDMUNDS P55748
Garan Lucow Miller, P.C.
Attorney for Defendant
8332 Office Park Drive
Grand Blanc, Michigan 48439
(810) 695-3700

**DEFENDANTS' ANSWER, RELIANCE UPON JURY DEMAND,
AND NEW MATTER AND AFFIRMATIVE DEFENSES**

NOW COME Defendants, by and through their attorneys, GARAN LUCOW MILLER,
P.C., by MICHAEL W. EDMUNDS, and in answer to Plaintiff's Complaint, state as follows:

PARTIES AND JURISDICTION

1. Plaintiff is a resident of the County of Genesee, State of Michigan.

ANSWER:

No contest.

2. Defendant, Flushing Township, is a municipal corporation located in the County of Genesee, State of Michigan.

ANSWER:

Admitted.

3. Defendants Mike Gardener, Scott Minardo (sic), William Noecker and Mark Purkey are all members of the Flushing Township Board of Trustees and are residents of the County of Genesee in the State of Michigan.

ANSWER:

Admitted.

4. The claims which Plaintiff asserts in this case are:
 - a. violation of the Michigan Whistleblowers' Protection Act against all Defendants; and
 - b. a 42 USC §1983 First Amendment claim against all Defendants.

ANSWER:

Defendants concedes that Plaintiff is asserting the referenced claims, but denies liability to the Plaintiff.

5. The amount in controversy in this case exceeds twenty-five thousand dollars (\$25,000.00).

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

6. This Court has subject matter jurisdiction over this case based on the general subject matter jurisdiction provision of the Revised Judicature Act, MCL 600.605.

ANSWER:

Admitted.

7. This is a Court of proper venue for this action under MCR 600.1621 because this is the Court in the county in which Plaintiff resides.

ANSWER:

Admitted.

GENERAL ALLEGATIONS

8. Plaintiff Bill Baughman was a Flushing Township Police Officer who began his employment with Defendant Flushing Township in April 1996.

ANSWER:

Admitted.

9. Plaintiff's employment with Defendant Flushing Township was terminated on or about November 13, 2009.

ANSWER:

Denied. Plaintiff was laid off on July 31, 2009. The layoff was confirmed by resolution on November 13, 2009.

10. During the entire tenure of his employment at Flushing Township, Plaintiff was an excellent employee.

ANSWER:

Denied for the reason that it is untrue.

11. In 2008, the Plaintiff participated in the recall election campaigns of the individual Defendant board members in this case.

ANSWER:

Admitted upon information and belief.

12. Plaintiff's participation in the recall efforts identified in paragraph twelve included Plaintiff gathering petition signatures, distributing materials door-to-door, distributing yard signs and raising funds.

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

13. Previous to 2008, Plaintiff worked on the political campaigns of opponents of the individual Defendant board members in this case.

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

14. In the latter stages of his employment, the Plaintiff publicly criticized the individual Defendant board members for the way they conducted themselves.

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

15. During his employment at Flushing Township Plaintiff observed certain employment related practices and some non-employment related practices that Defendants engaged in that Plaintiff reasonably and in good faith believe were violations of Michigan state law and/or regulations.

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations. Answering affirmatively, Defendants deny engaging in any practices that violated Michigan law or regulations.

16. During the latter stages of his employment, Plaintiff reported suspected violations of Michigan state law and/or regulations to a public body.

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations. Answering affirmatively, Plaintiff never notified Defendants that he had reported a suspected violation of law to a public body.

17. On July 15, 2009 Officer Bill Baughman received notice that he was to be "laid off" effective July 31, 2009.

ANSWER:

Defendants neither admit nor deny the date that Plaintiff received notice of his layoff, for lack of knowledge or information sufficient to form a belief as to the truth of the allegations, but admit that it was to be effective July 31, 2009.

18. On November 5, 2009 Flushing Township Supervisor Don Schwieman reinstated Officer Bill Baughman to his previous full-time employment.

ANSWER:

Denied. Defendants admit that Mr. Schwieman purported to reinstate Plaintiff to his previous employment, but deny that Schwieman's actions had the effect of actually reinstating Plaintiff's employment for the reason that Schwieman lacked the legal authority to reinstate someone who had been laid off by resolution of the entire Board, as the Plaintiff was.

19. On November 13, 2009 the Flushing Township Board of Trustees voted 4-3 not to honor the decision of Township Supervisor Don Schwieman to reinstate Bill Baughman to full employment which resulted in his termination which has continued until the present time.

ANSWER:

Denied as stated. The Flushing Township Board of Trustees did not vote against honoring the Township Supervisor's decision. The Board of Trustees decided, by resolution, to follow Township policy and lay off police officers by seniority, which resulted in the termination of Plaintiff's employment.

20. Plaintiff was terminated from Defendant Flushing Township on or about November 13, 2009 because he reported suspected violations of Michigan state law and/or regulations to a public body.

ANSWER:

Denied. Plaintiff was laid off, not terminated, and it was for financial reasons, and based on the fact that Plaintiff had the least seniority.

21. In 2008 Plaintiff participated in a recall campaign against Defendants Gardner, Minardo (sic), Noecker and Purkey. Through this process Plaintiff expressed his disagreement with certain aspects of Defendants' conduct concerning matters of legitimate public concern.

ANSWER:

Defendants admit, upon information and belief, that Plaintiff participated in a recall campaign against the individual Defendants in 2008. Defendants neither admit nor deny the balance of the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

22. As a result of Plaintiff expressing himself regarding these matters of legitimate public concern, all Defendants took adverse action against Plaintiff in the terms and conditions of his employment at Flushing Township including "laying him off" and terminating him on or about November 13, 2009.

ANSWER:

Denied for the reason that it is untrue. Answering affirmatively, Plaintiff was laid off for financial reasons, and based on the fact that Plaintiff had the least seniority. Furthermore, decision was made by the Township Board, not any individual Defendant. The Township speaks through its resolutions only. There is no individual liability for voting on a resolution as a member of a Municipal Board.

23. All Defendants took adverse action against Plaintiff in the terms and conditions of his employment including laying him off and terminating him based on Plaintiff's participation in their recall campaign against Defendants Gardner, Minardo (sic), Noecker and Purkey.

ANSWER:

Denied for the reasons stated in answer to paragraph 22.

24. Based on Defendant's (sic) wrongful acts, Plaintiff has suffered past and future economic damages as well as post and future emotional distress damages. Plaintiff also seeks a statutory attorney fee award. Plaintiff also seeks punitive damages against the individual Defendants in this matter.

ANSWER:

Defendants neither admit nor deny the allegations about the nature and extent of Plaintiff's damages, for lack of knowledge or information sufficient to form a belief as to the truth of the allegations. Defendants deny that it caused Plaintiff's damages. Defendants deny that they are liable for any of Plaintiff's alleged damages.

COUNT I
VIOLATION OF THE MICHIGAN WHISTLEBLOWERS' PROTECTION ACT
AGAINST ALL DEFENDANTS

25. Plaintiff incorporates by reference paragraphs 1 through 24 above.

ANSWER:

Defendants restate their answers to the previous allegations.

26. During the latter stages of his employment, Plaintiff reported suspected violations of Michigan state law and/or regulations to a public body.

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations. Answering affirmatively, Plaintiff never notified Defendants that he had reported a suspected violation of law to a public body.

27. Defendant discharged Plaintiff, in substantial part, because Plaintiff reported Defendants' actions to a public body for suspected violations of the law.

ANSWER:

Denied. Plaintiff was laid off, not terminated, and it was for financial reasons, and based on the fact that Plaintiff had the least seniority.

28. Therefore, all Defendants violated the Michigan Whistleblower Protection Act.

ANSWER:

Denied. Answering affirmatively, Defendants did not violate the Michigan Whistleblower Protection Act because Defendants were not terminated for reporting a suspected violation of law to a public body. Moreover, the individual Defendants are not legally responsible for any Board decisions in which they participated as a Board Member, and therefore, did not violate Michigan Whistleblower Protection Act even if Plaintiff's other allegations are true.

COUNT II

42 USC §1983 FIRST AMENDMENT CLAIM AGAINST ALL DEFENDANTS

29. Plaintiff incorporates by reference paragraphs 1 through 28 above.

ANSWER:

Defendants restate their answers to the previous allegations.

30. Defendant Flushing Township was Plaintiff's employer from April of 1996 until November 13, 2009.

ANSWER:

Admitted.

31. Plaintiff participated in a recall campaign against Defendants Gardner, Minardo (sic), Noecker and Purkey in 2008 expressing his disagreement with certain aspects of Defendants' conduct concerning matters of legitimate public concern.

ANSWER:

Defendants admit, upon information and belief, that Plaintiff participated in a recall campaign against the individual Defendants in 2008. Defendants neither admit nor deny the balance of the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

32. In the latter stages of his employment, the Plaintiff publicly criticized the individual Defendants for their conduct.

ANSWER:

Defendants neither admit nor deny the allegations for lack of knowledge or information sufficient to form a belief as to the truth of the allegations.

33. All Defendants took adverse action against Plaintiff in the terms and conditions of his employment at Flushing Township by "laying him off" and eventually terminating him on or about November 13, 2009 due to his expression of disagreement of certain matters of legitimate public concern.

ANSWER:

Denied for the reasons stated in answer to paragraph 22.

34. All Defendants took adverse action against Plaintiff in the terms and conditions of his employment including laying him off and terminating him based on Plaintiff's participation in their recall campaign against Defendants Gardner, Minardo (sic), Noecker and Purkey.

ANSWER:

Denied for the reasons stated in answer to paragraph 22.

35. Accordingly, Plaintiff asserts a First Amendment claim against all Defendants based on Plaintiff's retaliatory termination.


ANSWER:

Defendants deny liability to the Plaintiff.

WHEREFORE, Defendants respectfully request that this Honorable Court dismiss Plaintiff's Complaint with prejudice, and that they be awarded their costs and attorney fees.

GARAN LUCOW MILLER, P.C.

Dated: 3/12/10



MICHAEL W. EDMUNDS P55748
Attorney for Defendants
8332 Office Park Drive
Grand Blanc, Michigan 48439
(810) 695-3700

RELIANCE UPON JURY DEMAND

NOW COME Defendants by and through their attorneys, GARAN LUCOW MILLER, P.C., by MICHAEL W. EDMUNDS, and hereby relies on the jury demand previously filed.

GARAN LUCOW MILLER, P.C.

Dated: 3/12/10


MICHAEL W. EDMUNDS P55748
Attorney for Defendants
8332 Office Park Drive
Grand Blanc, Michigan 48439
810-695-3700

NEW MATTER AND AFFIRMATIVE DEFENSES

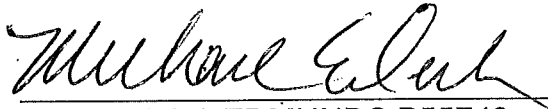
NOW COME Defendants, by and through their attorneys, GARAN LUCOW MILLER, P.C., by MICHAEL W. EDMUNDS, and for their New Matter and Affirmative Defenses, states as follows:

1. Plaintiff failed to mitigate his damages.
2. Plaintiff's claims may be barred by the statute of limitations, including any contractual limitations on when suit must be filed.
3. Plaintiff may not recover damages for conduct which occurred more than three years before suit was filed, even if the suit itself is not barred by the statute of limitations, because there is no longer any "continuing violations doctrine" in Michigan.
4. The individual Defendants are not liable to Plaintiff for violating the Whistleblowers' Protection Act because Defendants were not "agents" of Defendant Flushing Township.
5. The individual Defendants are not liable to Plaintiff because the Board acts only through its resolutions.
6. Defendants are not liable to Plaintiff because Defendants have governmental immunity for the claims asserted by the Plaintiff.
7. The individual Defendants are not liable to Plaintiff because Defendants have qualified immunity for the claims asserted by the Plaintiff.
8. The individual Defendants are not liable to Plaintiff because Defendants have legislative immunity for the claims asserted by the Plaintiff.
9. Defendants did not violate the Whistleblowers' Protection Act because Plaintiff did not make his report to a "public body," as required by law.
10. Defendants did not violate the Whistleblowers' Protection Act because Plaintiff did not report activity which he reasonably suspected to be a violation of Michigan law or regulations.

11. Defendants did not violate the Whistleblowers' Protection Act because the Plaintiff's report of a suspected violation of Michigan law or regulations to a public body was not a substantial or motivating factor in the decision to lay off the Plaintiff.
12. Defendants did not violate the Whistleblowers' Protection Act because Plaintiff would have been laid off anyway, had he not reported a suspected violation of Michigan law or regulations to a public body.
13. Defendants did not retaliate against Plaintiff for exercising First Amendment Free Speech Rights because Plaintiff's alleged speech were not a matter of public concern.
14. Defendants did not retaliate against Plaintiff for exercising First Amendment Free Speech Rights because Plaintiff's alleged speech was not a substantial or motivating factor in Defendant Flushing Township's decision to lay off the Plaintiff.
15. Defendants did not retaliate against Plaintiff for exercising First Amendment Free Speech Rights because Defendant Flushing Township would have laid Plaintiff off anyway, even in the absence of Plaintiff's alleged speech.
16. Defendants did not retaliate against Plaintiff for exercising First Amendment Free Speech Rights because Plaintiff's Free Speech Rights must defer to Defendant Flushing Township's right as an employer to layoff police officers, when required to do so for economic reasons, according to seniority.
17. Defendant Flushing Township terminated Plaintiff's employment for bona fide economic reasons, which it was entitled to do under the law.
18. Defendants reserve the right to amend or supplement this list of affirmative defenses.

GARAN LUCOW MILLER, P.C.

Dated: 3/12/10

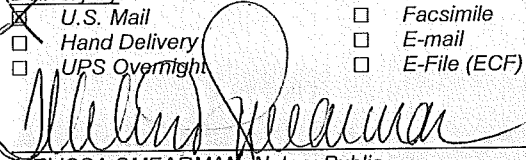

MICHAEL W. EDMUNDS P55748
Attorney for Defendants
8332 Office Park Drive
Grand Blanc, Michigan 48439
810-695-3700

PROOF OF SERVICE

*The undersigned certifies that a copy of the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses as directed on the pleadings on **March 12, 2010**.*

Delivery by:

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> U.S. Mail | <input type="checkbox"/> Facsimile |
| <input type="checkbox"/> Hand Delivery | <input type="checkbox"/> E-mail |
| <input type="checkbox"/> UPS Overnight | <input type="checkbox"/> E-File (ECF) |



MELISSA SMEARMAN, Notary Public
Genesee County, Michigan
Acting in the County of Genesee
My commission expires: 1/30/2013

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

BILL BAUGHMAN,

Plaintiff,

CASE NO: 10-93057-CD

JUDGE GEOFFREY NEITHERCUT P25466

v.

FLUSHING TOWNSHIP, MIKE
GARDNER, SCOTT MINAUDO,
WILLIAM NOECKER and MARK
PURKEY, Jointly and Severally,

Defendants.

DEAN T. YEOTIS P41290
CHRISTINE WASSERMAN RATHE P53656
NANCY K. CHINONIS P73150
Law Offices of Dean T. Yeotis
Attorneys for Plaintiff
611 W. Court Street
Flint, Michigan 48503
(810) 767-6100

MICHAEL W. EDMUNDS P55748
Garan Lucow Miller, P.C.
Attorney for Defendants
8332 Office Park Drive
Grand Blanc, Michigan 48439
(810) 695-3700

NOTICE OF APPEARANCE

NOTICE OF APPEARANCE

TO: THE CLERK OF THE COURT and DEAN YEOTIS:

PLEASE TAKE NOTICE that I appear on behalf of all Defendants in this lawsuit.

GARAN LUCOW MILLER, P.C.

Dated: 2/18/10



MICHAEL W. EDMUNDS P55748
Attorney for Defendants
8332 Office Park Drive
Grand Blanc, Michigan 48439
(810) 695-3700

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses as directed on the pleadings on February 18, 2010.

Delivery by:

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> U.S. Mail | <input type="checkbox"/> Facsimile |
| <input type="checkbox"/> Hand Delivery | <input type="checkbox"/> E-mail |
| <input type="checkbox"/> UPS Overnight | <input type="checkbox"/> E-File (ECF) |



MELISSA SMEARMAN, Notary Public
Genesee County, Michigan
Acting in the County of Genesee
My commission expires: 1/30/2013

02/16/2010 11:29

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DEAN YEOTIS LAW

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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

BILL BAUGHMAN,

Plaintiff,

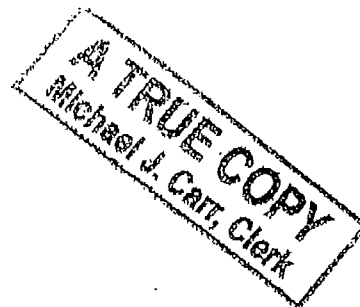
-vs-

FLUSHING TOWNSHIP, MIKE GARDNER,
SCOTT MINARDO, WILLIAM NOECKER AND
MARK PURKEY, Jointly and Severally,

Defendants.

LAW OFFICES OF DEAN T. YEOTIS
DEAN T. YEOTIS (P41290)
CRISTINE WASSERMAN RATHE (P53656)
NANCY K. CHINONIS (P73150)
Attorneys for Plaintiff
611 W. Court Street
Flint, MI 48503
(810) 767-6100

10-93057
CASE NO. 10- -CD
GEOFFREY L. NEITHERCUT
HON. P-25466



COMPLAINT AND JURY DEMAND

There is no other civil action between the parties arising out of the same transaction or occurrence as alleged in this Complaint, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge.

Plaintiff Bill Baughman, by his attorneys, the LAW OFFICES OF DEAN T. YEOTIS, complains of Defendants as follows:

PARTIES AND JURISDICTION

1. Plaintiff is a resident of the County of Genesee, State of Michigan.
2. Defendant, Flushing Township, is a municipal corporation located in the County of Genesee, State of Michigan.

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DEAN YEOTIS LAW

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3. Defendants, Mike Gardner, Scott Minardo, William Noecker and Mark Purkey are all members of the Flushing Township Board of Trustees and are residents of the County of Genesee in the State of Michigan.

4. The claims which Plaintiff asserts in this case are:

- a) Violation of the Michigan Whistleblowers' Protection Act against all Defendants; and
- b) a 42 USC §1983 First Amendment claim against all Defendants.

5. The amount in controversy in this case exceeds twenty-five thousand dollars (\$25,000).

6. This Court has subject matter jurisdiction over this case based on the general subject matter jurisdiction provision of the Revised Judicature Act, MCL 600.605.

7. This is a Court of proper venue for this action under MCR 600.1621 because this is the Court in the County in which Plaintiff resides.

GENERAL ALLEGATIONS

8. Plaintiff Bill Baughman was a Flushing Township Police Officer who began his employment with Defendant Flushing Township in April of 1996.

9. Plaintiff's employment with Defendant Flushing Township was terminated on or about November 13, 2009.

10. During the entire tenure of his employment at Flushing Township, Plaintiff was an excellent employee.

11. In 2008, the Plaintiff participated in the recall election campaigns of the individual Defendant board members in this case.

12. Plaintiff's participation in the recall efforts identified in paragraph twelve

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DEAN YEOTIS LAW

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Included Plaintiff gathering petition signatures, distributing materials door to door, distributing yard signs and raising funds.

13. Previous to 2008, Plaintiff worked on the political campaigns of opponents of the individual Defendant board members in this case.

14. In the latter stages of his employment, the Plaintiff publicly criticized the individual Defendant board members for the way they conducted themselves.

15. During his employment at Defendant Flushing Township Plaintiff observed certain employment related practices and some non-employment related practices that Defendants engaged in that Plaintiff reasonably and in good faith believe were violations of Michigan state law and/or regulations.

16. During the latter stages of his employment, Plaintiff reported suspected violations of Michigan state law and/or regulations to a public body.

17. On July 15, 2009 Officer Bill Baughman received notice that he was to be "laid off" effective July 31, 2009.

18. On November 5, 2009 Flushing Township Supervisor Don Schwieman reinstated Officer Bill Baughman to his previous full-time employment.

19. On November 13, 2009 the Flushing Township Board of Trustees voted 4-3 not to honor the decision of Township Supervisor Don Schwieman to reinstate Bill Baughman to full employment which resulted in his termination which has continued until the present time.

20. Plaintiff was terminated from Defendant Flushing Township on or about November 13, 2009 because he reported suspected violations of Michigan state law and/or regulations to a public body.

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DEAN YEOTIS LAW

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21. In 2008 Plaintiff participated in a recall campaign against Defendants Gardner, Minardo, Noecker and Purkey. Through this process Plaintiff expressed his disagreement with certain aspects of Defendants' conduct concerning matters of legitimate public concern.

22. As a result of Plaintiff expressing himself regarding these matters of legitimate public concern, all Defendants took adverse action against Plaintiff in the terms and conditions of his employment at Flushing Township including "laying him off" and terminating him on or about November 13, 2009.

23. All Defendants took adverse action against Plaintiff in the terms and conditions of his employment including laying him off and terminating him based on Plaintiff's participation in their recall campaign against Defendants Gardner, Minardo, Noecker and Purkey.

24. Based on Defendant's wrongful acts, Plaintiff has suffered past and future economic damages as well as post and future emotional distress damages. Plaintiff also seeks a statutory attorney fee award. Plaintiff also seeks punitive damages against the individual Defendants in this matter.

COUNT I
VIOLATION OF THE MICHIGAN WHISTLEBLOWERS' PROTECTION ACT
AGAINST ALL DEFENDANTS

25. Plaintiff incorporates by reference paragraphs 1 through 24 above.

26. During the latter stages of his employment, Plaintiff reported suspected violations of Michigan state law and/or regulations to a public body.

27. Defendant discharged Plaintiff, in substantial part, because Plaintiff reported Defendants' actions to a public body for suspected violations of the law.

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DEAN YEOTIS LAW

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28. Therefore, all Defendants violated the Michigan Whistleblower Protection Act.

COUNT II
42 USC §1983 FIRST AMENDMENT CLAIM AGAINST ALL DEFENDANTS

29. Plaintiff incorporates by reference paragraphs 1 through 28 above.

30. Defendant Flushing Township was Plaintiff's employer from April of 1996 until November 13, 2009.

31. Plaintiff participated in a recall campaign against Defendants Gardner, Minardo, Noecker and Purkey in 2008 expressing his disagreement with certain aspects of Defendants' conduct concerning matters of legitimate public concern.

32. In the latter stages of his employment, the Plaintiff publicly criticized the individual Defendants for their conduct.

33. All Defendants took adverse action against Plaintiff in the terms and conditions of his employment at Flushing Township by "laying him off" and eventually terminating him on or about November 13, 2009 due to his expression of disagreement of certain matters of legitimate public concern.

34. All Defendants took adverse action against Plaintiff in the terms and conditions of his employment including laying him off and terminating him based on Plaintiff's participation in their recall campaign against Defendants Gardner, Minardo, Noecker and Purkey.

35. Accordingly, Plaintiff asserts a First Amendment claim against all Defendants based on Plaintiff's retaliatory termination.

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DEAN YEOTIS LAW

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CONCLUSION

Plaintiff seeks judgment against both Defendants for damages exceeding Twenty Five Thousand Dollars (\$25,000) together with costs, interest and attorneys fees pursuant to statute.

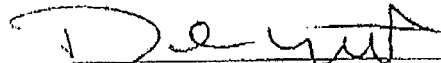
DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this case pursuant to 2.508(B) of the Michigan Court Rules.

Respectfully submitted,

LAW OFFICES OF DEAN T. YEOTIS

Dated: February 10, 2010.



DEAN T. YEOTIS (P41290)
CRISTINE WASSERMAN RATHE (P53656)
NANCY K. CHINONIS (P73150)
Attorneys for Plaintiff

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